

MEETING MINUTES

Tuesday, April 23, 2019 Meeting | 7:00 p.m.

Engineering Conference Room, Woburn City Hall, 10 Common Street, Woburn, MA

Chair Dave Edmonds called the meeting to order at 7:00 pm and asked City Planner/Grant Writer Dan Orr to call the roll.

Mr. Kevin Donovan, Ms. Claudia Bolgen, Mr. Jim Callahan, Mr. Michael Ventresca, Ms. Carolyn Turner and Chair Dave Edmonds were present; Mr. Bob Doherty was absent.

Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr were also present and introduced themselves.

0 & 1 BELMONT STREET APPROVAL NOT REQUIRED (ANR) PLAN (Ms. Dorothy Geary)

Cassidy provided an overview of the proposed ANR plan, which intends to create one net additional building lot by reconfiguring lot lines amongst two existing parcels of land. The two reconfigured parcels, according to the plan, are to be comprised of Lots 9 & 10 and 11 & 12, respectively, with both containing the required amount of street frontage for their respective zoning districts. The newly configured parcel at #0 Belmont Street has obtained a variance from the Board of Appeals, thereby allowing the less-than-required lot size.

Ventresca asked if the different zoning districts for each of the parcels has any impact on the application. Cassidy responded that it does not; the Board is only endorsing the ANR relative to lot frontage.

Motion to approve the ANR plan as one not requiring approval under the Subdivision Control Law made by Ventresca;
Seconded by Donovan;
Motion carried, 6-0-0.

EAST DEXTER AVENUE SUBDIVISION: REQUEST FOR ACCEPTANCE OF AS-BUILT PLAN AND EASEMENT DOCUMENT FOR 2 E. DEXTER / Seaver Construction, Inc.

Cassidy provided an overview of the status of the subdivision and the request before the Board to accept the as-built plan and the retaining wall easement document/plan for the affected residential properties, to be subsequently forwarded to the City Council for formal City acceptance.

Cassidy further stated that current scenario faced by the City is that only one of the two affected East Dexter Avenue property owners (residing at 2 East Dexter Avenue) is willing to grant an easement for the retaining wall to the city. Conversely, at least seven (7) attempts (by both the developer and once on behalf of the Planning Board) were made over the course of six (6) weeks to the property owners residing at 4 East Dexter Avenue, who ultimately have apparently declined to grant an easement.

Edmonds asked if the property owners could legally remove the retaining wall given that it is located on their property. Cassidy responded that she would have to give more consideration to that question.

Turner asked for clarification as to any other effect on the City in the scenario of a property owner declining to grant an easement for maintenance of the retaining wall. Cassidy responded that her

understanding is the property owner's decision only has implications for retaining wall maintenance; not the roadway itself.

Cassidy reiterated to the Board that the retaining wall was discovered to have been located outside of the right-of-way (on private property) after the subdivision plan had been approved, appearing only on the As-Built plan subsequently submitted to the City for acceptance in the fall of 2018.

Bolgen raised the question of why the Board would accept an As-Built plan if it is not in substantial conformance with the approved subdivision plan. Cassidy stated that the Engineering Department reviewed the as-built and submitted a letter to the Planning Board stating that the plan was in substantial compliance.

Members discussed their recollection as to whether the retaining wall appeared on any of the proposed subdivision plans; Ventresca stated that he recalled that at a past meeting the developer's representative stated that the retaining wall was in fact shown on the plan signed by the Board.

Cassidy stated that a developer making minor modifications to a subdivision plan (with respect to roadway layout) is not infrequent. The scenario of the retaining wall is more significant than what is typically seen.

Bolgen stated that her determination of a "substantial" change, and ultimate decision to accept the As-Built plan in this scenario, is based not necessarily on the maintenance responsibility of the retaining wall but whether it was a requirement at all of the developer to construct a retaining wall in accordance with the approved subdivision plan.

Cassidy stated that the Board is under no obligation to accept the As-Built plan this evening until staff can provide more definitive background information on the history of the retaining wall.

Callahan stated that he recalls that the retaining wall was on the originally approved subdivision plan. The subsequent error had been made by the Engineer of Record. He believes it was initially indicated by the engineer that the retaining wall would be constructed within the right-of-way but later discovered it was in fact located on private property and, as such, had to modify the As-Built plan for required field accuracy.

Cassidy stated that she would provide approved subdivision drawings to the Board at their next meeting highlighting specific information for further discussion on this matter.

Motion to continue discussion on this matter until the Board's May 14, 2019 meeting, made by Ventresca;
Seconded by Bolgen;
Motion carried, 6-0-0.

CROSSMAN ROAD SUBDIVISION: REQUEST FOR ENDORSEMENT OF A CERTIFICATE IN ACCORDANCE WITH M.G.L. CHAPTER 41, SECTION 81-X AND EXTENSION OF THE SUBDIVISION'S CONSTRUCTION COMPLETION DATE / Cialdea Construction

Attorney Mark Salvati, 10 Cedar Street, approached the Board on behalf of the project developer to provide an update on the subdivision construction and further explain the reasoning for posing the request. Due to the subdivision plan not being recorded within six months of its endorsement, the

developer requests Board authorization of an 81-X certificate re-certifying Board approval of the plan.

Salvati further stated that the extension request is proposed to the Board due to a lack of a scheduled work on behalf of his client; however, the lack of home construction has not disturbed any of the abutting neighbors.

Salvati stated that the developer has also experienced delays on behalf of the gas company. However, the developer has submitted a work order for servicing.

Salvati stated that the developer would like to start the work very soon, with the intent to prioritize sewer installation, water services to each lot, and initiate home construction. The developer will also commit to hydrant, streetlight, and roadway binder installation despite delays with gas servicing (which may come in a post-construction phase) with an intent to complete construction by May 30, 2020.

Bolgen asked why the developer had waited so long to initiate construction. Salvati responded that his client has too many ongoing projects to complete at one time when the project was approved but intends to direct his primary attention to completing the Crossman Road project now.

Salvati stated that the developer has obtained the last required approval (from the Conservation Commission), thereby allowing progress on the roadway.

Cassidy stated that one of the comments provided by the Engineering Department is that, due to the passage of time on this subdivision without construction having commenced, the developer should submit an updated (potentially increased) bond amount to guarantee construction completion, subject to Engineering Department review.

Cassidy further stated that the developer should come back to the Planning Board for a discussion of the developer's current bond amount, based on Engineering Department feedback. She would recommend Board authorization of the 81-X certificate, and should the Board be inclined to grant the one-year requested extension, to do so subject to a review and re-evaluation of the bond. Salvati responded that his client would be amenable to this condition.

Motion to grant the requested subdivision extension from April 25, 2019 to May 30, 2020, subject to re-evaluation of the developer's current bond amount by the Engineering Department, made by Bolgen;
Seconded by Turner;
Motion carried, 6-0-0.

LEGACY LANE SUBDIVISION: REQUEST FOR EXTENSION OF CONSTRUCTION COMPLETION DATE (Mr. Frank Michienzi)

Cassidy provided an overview of the subdivision completion date extension request submitted by the developer, from the current expiration date of May 1, 2019 to August 15, 2019. The extension request has been reviewed by the Engineering Department for feasibility. Subsequent Engineering comments indicated that the proposed timeline and construction milestones, once modified to incorporate streetlight installation, are reasonably expected to be completed within the designated timeframe.

Bolgen inquired about the status of home construction for verification of work completed to date, as referenced in the developer's request letter. Cassidy responded that her understanding is that staff Engineer Greg Rheume field-verified the status of home construction completed to date; City Engineer Jay Corey, who was present, confirmed.

Bolgen inquired about the roadway construction and whether roadway binder coat has yet been laid. Corey responded that his understanding is that the binder coat has been applied. Corey further stated that his approximation is that 65-70% of the work has been completed. Binder and utility installation-only is typical for the home construction phase. Curbing, sidewalk, grass strip, street tree and topcoat installation are remaining work items.

Corey further stated that his recollection is that the developer's timing setback was related to a surveying error that has now been rectified via ANR endorsement. Additionally, components like backfilling, retaining wall installation and utility installation have been completed, which comprise the most uncertainty.

Edmonds asked the Planning Director for her recommendation. Cassidy responded that her recommendation is to grant the developer's requested extension to the subdivision completion date, as submitted.

Motion to grant the requested subdivision extension from May 1, 2019 to August 15, 2019, made by Bolgen;
Seconded by Callahan;
Motion carried, 6-0-0.

DISCUSSION OF POTENTIAL AMENDMENTS TO THE PLANNING BOARD'S RULES AND REGULATIONS FOR LAND SUBDIVISION

Cassidy provided an overview of where the discussion of subdivision rules and regulations (SRRs) stands, what the Board has discussed during recent meetings, and updates on action items for which she has sought feedback from other City Departments.

Cassidy further stated that discussion during the Board's last couple of meetings has centered around the specific cross-section elements (i.e., roadway pavement, curbing, grass strips, sidewalks, and street trees) that should be integrated into varying right-of-way widths around the City, with a particular focus on tailoring the cross-sections to the city's remaining developable land and the long-term maintenance responsibility of the City.

Cassidy further stated that, as a result of the conversation surrounding the potential use of pervious pavement, she has invited Mr. Richard Benevento, a traffic engineering consultant for the City's Traffic Commission and City Engineer Jay Corey, so that both are able to provide insights to the Board relative to ideal subdivision cross-section design and materials.

Mr. Richard Benevento, Principal, WorldTech Engineering, introduced himself to the Board and provided background as to his experience with roadway infrastructure planning and design. He additionally introduced the resources for determining the appropriate allotment of various roadway components, such as the American Association of State Highway and Transportation Officials (AASHTO) standards/guidelines and the Massachusetts Department of Transportation (MassDOT) Project Development Highway Design Guide.

Benevento described some important overall considerations that the Board should make for roadway design, such as allowing sufficient space for public utilities like streetlights and appropriate areas for snow storage. This is in addition to observing Complete Streets policies adopted by the City that require accommodation of non-automobile users. At times, the use of easements on private property will be necessary to accommodate certain elements, such as street trees.

Corey began to address the Board as to the important factors that should go into roadway design from the City's perspective. There are important considerations not only relative to accommodating all roadway users but also ensuring that adequate drainage measures are in place for stormwater management and grant eligibility. Impervious pavement or catch basins can be used as a buffer between sidewalks and the roadway as a stormwater treatment method; however, this arrangement has different maintenance needs than if a sidewalk immediately abuts a street.

Cassidy stated that the Board will have to integrate new standards (such as stormwater catch basins in its tree wells) into its SRRs so that they can serve as actual requirements. Otherwise, the Board does not have the authority to require such from a developer.

Benevento stated that one way to ensure that any standards adopted by the Board remain relevant over time is to make a generic reference to "current" standards of a certain element, such as ADA requirements or stormwater management standards.

Benevento stated that the Board should consider its options where it actually has latitude, such as with regard to parking lanes and allowance of one twelve (12)-foot travel lane for two-way traffic in a single-family subdivision, given its lower volume and the ability for opposing vehicles to pull over, if need be. Sidewalks with curbing have stricter spacing requirements.

Bolgen asked Benevento about ADA-compliance related issues and what is permissible to incorporate into a subdivision (such as a sidewalk on one side of the street). Benevento responded that it would seem to be within the authority to establish a policy of requiring a sufficiently-wide sidewalk if the right-of-way allows, but without sufficient space, the lack of a sidewalk would be the preferred option (as opposed to a width-deficient sidewalk).

Bolgen asked specifically about the minimum width required for a sidewalk in order for it to be ADA-compliant. Benevento responded that 5' are ADA-compliant and typically preferred by DPW. A 4' sidewalk can be ADA compliant, if it includes a 5'x5' area every 200' of sidewalk length.

Bolgen stated that the Board is taking the prospect of a developer building out a thirty (30)-foot right-of-way on a paper street into consideration and is looking to the City Solicitor to opine on whether the Board would have to legally accept such a proposal. Corey responded that his understanding is that municipal code requires a forty (40)-foot right-of-way, even for paper streets by requiring easements.

Cassidy stated that the Board is dealing with an existing roadway configuration that contains obstructions, which can further complicate the inclusion of all roadway elements.

Bolgen stated that the Board does not want to implement standards that cannot functionally be realized by roadway construction and to keep in mind the most common likely right-of-way that will be proposed by future subdivision applications.

Corey stated, for clarification, that the City would not accept a public roadway with a right-of-way width that is narrower than forty (40)-feet, in observance of municipal code. However, the Planning

Board's SRRs may be separate and distinct if some roadways may end up being classified as private ways.

Bolgen stated that it would seem that the forty (40)-foot right-of-way will be the most common to come before the Board moving forward and, as such, should be the focus of the Board to accommodate complete streets, drainage infrastructure and emergency vehicle considerations. She proposed that the Board consider how these factors should be prioritized. Members underscored public safety as being the most important factor.

Corey and Benevento stressed the importance of a developer complying with stormwater regulations and management practices and that the precise method for doing so should be incumbent upon the developer to resolve, even if it means a reduction in lots and/or lot sizes.

Benevento reiterated that the other elements, such as including sidewalks and grass strips, are really up to the discretion of the Board based on the circumstances and existing conditions of a development site. Additional consideration should be given to the dimensions (40-foot right-of-way) and materials utilized (i.e., granite curbing) if the Board's intent is to make it a City-accepted street.

Corey stated that the Department of Public Works (DPW) should be consulted as to the required maintenance of subdivision components, such as grass strips or other materials that may be required, such as impervious pavement. A street under the maintenance of a Homeowners' Association (HOA) would be a different scenario.

Corey further stated that the grass strips could be potentially alternated with rain gardens or pervious pavement as part of the SRRs to leave it more open-ended.

Cassidy stated that although the ultimate burden of proof would fall to the developer for compliance, the Board may be interested in providing some guidance. Callahan added that the Planning Board can offer a type of checklist that mirrors various requirements and standards for stormwater management and roadway features for which project engineers are professionally capable of completing. This will help departments during their review process and ultimately serve as a resource for the Planning Board's decisions.

Bolgen posed a question to the Board as to whether it would be sufficient to simply require the developer to generally prove compliance with a twenty-six (26)-foot pavement width, adequate drainage infrastructure, and complete streets design. Cassidy responded that the Board would likely need to go beyond generic compliance with complete streets by expressly requiring (ADA-compliant) sidewalks, for example, so that there is greater clarity.

Bolgen stated that allowing more open-ended "guidance" for roadway construction does relinquish the Board's design oversight responsibility for roadways. Corey responded that the developer would always be responsible for ensuring that a roadway meets standards beyond just pavement width, such as grading and turning radii, where applicable.

Bolgen stated that she does not want to create different roadway standards for new roadways that will not be accepted, considering that the DPW tends to plow all City roads. As a result, her position would be to apply the same standards to all roadways, regardless of whether they are accepted or not accepted as public ways.

Callahan stated that his concern is primarily ensuring that City roadways can accommodate the Fire Department's "Tower Unit," specifically in special permitted developments.

Cassidy stated that it would be possible to amend the city's zoning ordinances to mirror what the Planning Board adopts relative to roadway construction with the intention to inform the Council for special permitted projects in terms of internal roadways. Otherwise, the Planning Board has no jurisdiction over internal roadways of special permitted-projects.

Bolgen stated that the information provided this evening may require the Board to rethink how it formulates its SRRs to be more guideline-based, as opposed to concrete requirements. Cassidy responded that she would like to continue to confer with the City Engineer and the Mr. Benevento regarding how to distill the Complete Streets and drainage best practices discussed this evening into a format that could be incorporated into the SRRs.

Cassidy stated that she could conceivably place this matter before the Board again for discussion during the second meeting in May (24th).

Bolgen and Edmonds expressed that the Board would like to be in a stronger position to refuse waiver requests based on the new information provided in the SRRs regarding compliance with complete streets, ADA and Municipal Separate Storm Sewer System (MS4) requirements.

Members discussed the future prospect of subdivision applications for narrow rights-of-way in certain parts of the City and how to safely accommodate two-way traffic mobility in such scenarios. Benevento and Corey responded that there may be methods for either requiring property easements and/or varying baseline pavement widths in these situations. Bolgen added that she would like the opinion of the City Solicitor regarding a developer's right to build-out a right-of-way as narrow as thirty (30)-feet. Cassidy responded that she intends to follow up on this point with the Solicitor for the Board's next discussion on this matter.

APPROVAL OF MINUTES: March 26, 2019 and April 9, 2019 Planning Board Meetings

Motion to approve the March 26, 2019 meeting minutes, as submitted, made by Callahan;
Seconded by Turner;
Motion carried, 5-0-0, with Donovan abstaining due to absence at the March 26, 2019 meeting.

Motion to approve the April 9, 2019 meeting minutes, as submitted, made by Callahan;
Seconded by Bolgen;
Motion carried, 6-0-0.

PLANNING DIRECTOR UPDATE

Cassidy provide an overview of the two (2) public hearings that will be before the Board at the May 14th meeting, including a review of proposed site/floor plan modifications filed for the Lord Hobo Brewery located at 5 Draper Street. Additionally, the Board is scheduled to review a proposed zoning amendment to the City's traffic mitigation and development impact ordinances. Another upcoming amendment will be to again review the City's historic ordinance in relation to modifying property-eligibility based on the number of existing units; that hearing will likely be held at the May 28th meeting.

Cassidy stated that she has also received a construction-related complaint from the abutter to the Downs Court subdivision regarding migration of excavated sand onto the abutter's property. The developer has subsequently conveyed that he has entirely removed the sand pile from the construction area to prevent further migration. He will continue to work with the abutter on fully removing remaining sand from the abutter's patio area and pool cover, dry weather permitting (sand removal from the abutter's deck has already been completed). She intends to contact the abutter on Monday (4/29) to confirm the status of sand cleanup and raise any ongoing issues to the Board, if the need arises.

ADJOURNMENT

Seeing no further business, Bolgen made a motion to adjourn the meeting at 8:37 pm;
Seconded by Callahan;
Motion carried, 6-0-0.

The meeting adjourned at 8:37 pm.

Table of Documents Used and/or Referenced at Meeting

Planning Board Staff Report
Staff Report Attachments (0 &1 Belmont Street ANR Application): (1) ANR Plan; (2) Application Form A; and (3) Copy of Board of Appeals Decision Letter
Staff Report Attachments (East Dexter Avenue Definitive Subdivision): (1) Planning Board Letter to 4 E. Dexter Avenue Property Owners; and (2) Copy of Executed Easement for 2 E. Dexter Avenue
Staff Report Attachments (Legacy Lane Definitive Subdivision): (1) Developer's initial subdivision extension request letter; (2) Engineering Department comment on request; and (3) Developer's final modified request letter
Staff Report Attachments (Crossman Road Definitive Subdivision): (1) Developer's subdivision extension request letter; (2) Draft 81-X Certificate; and (3) Engineering Department comment on requested subdivision extension
Draft Planning Board Meeting Minutes: March 26, 2019 and April 9, 2019 meetings

Respectfully submitted,

Dan Orr
City Planner/Grant Writer